

**STATE OF CALIFORNIA
DEPARTMENT OF INSURANCE
300 Capitol Mall, 17th Floor
Sacramento, California 95814**

July 6, 2007

Regulation File #: RH05047901

UPDATED INFORMATIVE DIGEST

**Title 10, Sections 2538.1 through 2538.8
Health Care Language Assistance Program**

There have been no changes in applicable laws from the laws described in the Notice of Proposed Regulatory Action. The proposed regulations have been changed since the Notice of Proposed Regulatory Action, Notice of Availability of Revised Text, Notice of Availability of Amended Text as follows:

- (1) The following sections have been changed for consistency to refer to the Language Assistance Program by the acronym, "LAP": §2538.3 (b) (7); §2538.3 (d); §2538.3 (e) (1) & (2); §2538.4 (b); §2538.7 (a); §2538.7 (b); §2538.8.
- (2) Section 2538.3 (a) has been changed to delay the implementation date due to the delay in the effective date of the regulations. Health insurers are permitted one year from the effective date of the regulations to complete the needs assessment of their insureds. This will allow additional time for health insurers to develop and implement their Language Assistance Program.
- (3) Section 2538.3 (b) (2) has been changed to clarify whose LAP requirements shall be provided to contracting providers.
- (4) Section 2538.3 (b) (3) has been changed to correct an error that deleted the wording "assessment".
- (5) Section 2538.3 (b) (6) has been changed to clarify for whom the training is required.
- (6) Section 2538.3 (c) (1) and (2) have been changed to clarify the requirements of notice to insureds regarding the health insurer's LAP and to provide greater details regarding the notice if developed by the Commissioner.
- (7) Section 2538.3 (e) has been changed to delay the filing date due to the delay in the effective date of the regulations and the completion of the needs assessment.
- (8) Sections 2538.3 (e) (2) (A)-(E) have been changed to provide additional clarifying information regarding the Commissioner's evaluation of the insurer's LAP.
- (9) Section 2538.3 (e) (2) (F) has been deleted and section 2538.3 (e) (2) (G) has been re-lettered due to lack of statutory authority to include this factor in the evaluation.

- (10) Section 2538.4 (a) has been changed to allow insurers flexibility in determining how to assess the written and spoken language preferences of their insureds in order to determine the threshold languages for translation of vital documents and the requirements for oral interpreter services.
- (11) Section 2538.5 (c) has been changed to clarify the requirements for requesting a “phase-in” of translation of vital documents by insurers and to allow the “phase-in” request to be submitted with the filing of the LAP. This section has also been changed to clarify that all “phase-in” of translation of vital documents must be completed by the time the LAP is implemented by the insurer.
- (12) Section 2538.6 (b) (4) has been changed to incorporate reference to trained and competent interpreters and correct a grammatical error.
- (13) Section 2538.6 (d) has been changed to clarify the standards for proficiency of interpreters that will be acceptable to the Commissioner.
- (14) Section 2538.7 (c) (1) and (2) have been changed to specify the required reporting deadlines by health insurers to the Commissioner. Subsections (1) –(6) have been re-lettered.